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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on 30th August, 2005:—

BILL NO. LXXXVIII OF 2005

A Bill further to amend the Central Silk Board Act, 1948.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Silk Board (Amendment) Act, 2005.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

61 of 1948.

2. In the Central Silk Board Act, 1948 (hereinafter referred to as the principal Act), in section 3,—

Amendment of section 3.

(i) after clause (a), the following clause shall be inserted, namely:—

(aa) "Central Silk-worm Seed Testing Laboratory" means the Central Seed Testing Laboratory established or accredited under sub-section (1) of section 8G;;

(ii) after clause (b), the following clauses shall be inserted, namely:—

(ba) "Committee" means the Central Silk-worm Seed Committee constituted under sub-section (1) of section 8A;

(bb) "dealer" means a person who carries on the business of buying and selling, export or import of silk-worm seed, cocoons, chawkie reared silk-worms and includes an agent of a dealer;

(bc) "export" means taking out of India to a place outside India; ;

(iii) after clause (c), the following clauses shall be inserted, namely :—

(ca) "Hybrid Authorisation Committee" means the Hybrid Authorisation Committee constituted under sub-section (1) of section 8D;

(cb) "import" means bringing into India from a place outside India;

(cc) "notified kind or variety" in relation to silk-worm seed means, any kind or variety thereof notified under sub-section (1) of section 8C; ;

(iv) after clause (e), the following clauses shall be inserted, namely :—

(ea) "Registration Committee" means the Registration Committee constituted under sub-section (2) of section 8E;

(eb) "regulation" means regulation made by the Committee under this Act;

(ec) "silk-worm seed" or "seed" means all kinds of silk-worm seeds produced from the pure silk-worm races including the hybrids produced from two or more pure races, silk-worm seed cocoons of all kinds and moths thereof intended to be used or reared for the purpose of production or for commercial exploitation.

Explanation.— For the purposes of this clause,—

(i) "pure races" means silk-worm breed or variety maintained through reproductive silk-worm seed with features true to the parents;

(ii) "hybrids" means the seed produced involving two or more pure races or parental races with the objective of exploiting heterosis or hybrid vigour;

(ed) "Silk-worm Seed Analyst" means a Seed Analyst appointed or notified under sub-section (3) of section 8G;

(ee) "Silk-worm Seed Certification Agency" means the Silk-worm Seed Certification Agency constituted or accredited under section 8F;

(ef) "Silk-worm Seed Inspector" means a Seed Inspector appointed or notified under sub-section (1) of section 8H; .

3. Throughout the principal Act, for the words "Chairman" or "Vice-Chairman", wherever they occur, the words "Chairperson" or "Vice-Chairperson" shall respectively be substituted.

Substitution of references to certain expressions by certain other expressions.

Amendment of section 4.

4. In section 4 of the principal Act, in sub-section (3), —

(i) for clause (b), the following clause shall be substituted, namely :—

"(b) not more than three officials to be nominated by the Central Government, one of whom shall be the head of the Silk Division in the Ministry of Textiles as the Vice-Chairperson and one shall be the Secretary of the Board, both being the officers not below the rank of Joint Secretary to the Government of India;";

(ii) after clause (c), the following proviso shall be inserted, namely:—

"Provided that a member of Parliament shall, upon ceasing to be a member of the House of the People or as the case may be, the Council of States, cease to be a member of the Board.".

5. After section 4 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
4A.

“4A. A person shall be disqualified for being nominated or appointed or for continuing as a member, if he—

- (a) is not a citizen of India; or
- (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (c) is an undischarged insolvent; or
- (d) has become physically or mentally incapable of acting as a member; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his function as a member.”

Disqualification
for being
nominated or
appointed as
a member of
Board.

6. In section 6 of the principal Act, in sub-section (1), for the words “The Central Government shall appoint from among the members of the Board, a Vice-Chairman who shall”, the words “The Vice-Chairperson shall” shall be substituted.

Amendment
of section 6.

7. In section 7 of the principal Act, for the words “The Central Government shall appoint a Secretary to the Board, who shall”, the words “The Secretary to the Board shall” shall be substituted.

Amendment
of section 7.

8. In section 8 of the principal Act, in sub-section (3), for clause (a), the following clause shall be substituted, namely:—

Amendment
of section 8.

“(a) to advise the Central Government on all matters relating to production, supply, distribution, trade and commerce in silk-worm seed, the development of the silk industry and its products including export and import;”.

9. After section 8 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
8A to 8J.

“8A. (1) The Central Government may, by notification in the Official Gazette, constitute for the purposes of this Act, a Committee to be called the Central Silk-worm Seed Committee consisting of—

Constitution
of Central
Silk-worm
Seed
Committee.

(a) the Vice-Chairperson of the Board who shall be the Chairperson of the Committee, *ex officio*;

(b) (i) three Directors of sericulture from States—members;

(ii) the Director of the Central Sericulture Research and Training Institute — member;

(iii) two experts from the field of silk-worm seed development—members; and

(iv) two representatives from the sericulture sector — members,

to be nominated by the Central Government from amongst the members of the Board;

(c) Secretary of the Board who shall be the Secretary of the Committee, *ex officio*.

(2) The Committee may associate with it, for such purposes and in such manner as it may deem fit, any person whose assistance or advice it may consider necessary in complying with the provisions of this Act, and a person so associated, shall have the right to take part in the proceedings of the Committee relevant to the purposes for which he has been associated, but shall not have the right to vote and shall be entitled to receive such allowances or fees as may be prescribed by the Central Government.

(3) A member nominated under sub-section (1) shall, unless his seat becomes vacant earlier by resignation, death or otherwise, hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination:

Provided that a person nominated under sub-section (1) shall hold office only for so long as he holds the appointment by virtue of which his nomination was made.

(4) No act or proceeding of the Committee shall become invalid merely by reason of—

(i) any vacancy therein, or any defect in the constitution thereof; or

(ii) any matter relating to the procedure of the Committee not affecting the merits of a case.

(5) The Central Government shall provide to the Committee such other technical and other officers and employees as may be necessary for the efficient performance of the functions under this Act.

(6) (a) The Committee shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meeting (including the quorum at meetings) as may be specified by regulations.

(b) The Chairperson or in his absence any member chosen by the members present from amongst themselves, shall preside at a meeting of the Committee.

(c) All questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in case of equality of votes, the Chairperson or in his absence, the person presiding over the meeting shall have a second or casting vote.

8B. (1) The Committee shall be responsible for the implementation of this Act by taking measures as specified in sub-section (2).

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for—

(i) laying down of quality standards for kind or variety of silk-worm seed;

(ii) authorisation of silk-worm races and hybrids for commercial exploitation;

(iii) laying down of quality standards for production of silk-worm seeds;

(iv) laying down the conditions and requirements that have to be met out by the persons desirous of setting up facilities for production of silk-worm seeds or grainages;

(v) laying down the certification and silk-worm seed testing procedures for seeds sold by the registered producers;

(vi) undertaking the registration of silk-worm seed producers and dealers and controlling, supervising the inspection process to ensure adherence to the specified quality standards and seed certification requirements;

(vii) laying down the conditions and standards for export and import of silk-worm seed and adherence to them;

(viii) programming and planning of silk-worm seed production;

(ix) advising the Central Government and the State Governments on the matters aforesaid; and

(x) such other matters connected and incidental to the production, supply, distribution, trade and commerce in silk-worm seed,

as may be specified by regulations made by the Committee from time to time.

8C. (1) If the Central Government, after consultation with the Committee, is of the opinion that it is necessary or expedient to regulate the quality of silk-worm seed of any kind or variety for the purpose of production and for commercial exploitation, it may, by notification in the Official Gazette, declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for different States or for different areas thereof, and it shall be incumbent upon every producer or dealer of such silk-worm seeds to produce or deal with such notified kinds and varieties of silk-worm seeds and in no other.

Power to
notify kinds
or varieties
of silk-worm
seeds.

(2) The Central Government may, on the recommendation of the Committee, by notification, specify—

(a) the minimum quality standards and conditions for notified kinds or varieties of silk-worm seed; and

(b) the mark or label to indicate that such silk-worm seed conforms to the specified quality standards.

8D. (1) The Committee shall constitute a Hybrid Authorisation Committee consisting of the Secretary of the Board who shall be the Chairperson of the Hybrid Authorisation Committee and such number of other members to assist him in the discharge of his duties as the Committee may determine.

Hybrid
Authorisation
Committee.

(2) It shall be the duty of the Hybrid Authorisation Committee to either *suo motu* or on the application made to it and after due trials, testing and such other requirements, as it may deem necessary to satisfy itself, recommend to the Committee of the kind or variety of silk-worm seed, silk-worm hybrid seeds and races available in the market for notification by the Central Government for production and commercial exploitation.

8E. (1) No silk-worm seed of any kind or variety shall, for the purpose of production or for commercial exploitation, be produced, supplied, distributed, traded, sold or otherwise disposed of by a producer or dealer unless he is registered by the Registration Committee in such manner as may be prescribed.

Registration
Committee.

(2) The Committee shall constitute the Registration Committee consisting of a Chairperson and such number of other members not less than two to assist him in the discharge of his duties as the Committee, may determine.

(3) The Registration Committee shall have power—

(a) to register the silk-worm seed of the notified kind or variety after scrutinising claims that the silk-worm seed conforms the kind or variety duly notified by the Central Government;

(b) to register the silk-worm seed producer after ensuring that the facility for seed production meets the requirement or conditions for maintaining quality standards as notified by the Central Government;

(c) to register the silk-worm dealer after scrutinising their claim made in the application;

(d) to perform such other functions as are assigned to it by the Committee.

(4) Every application for registration under sub-section (1) shall be made in such form and contain such particulars including conditions and be accompanied by such fees as may be prescribed.

8F. The Committee may, by order, constitute one or more Silk-worm Seed Certification Agencies or accredit the existing certification agencies according to such criteria as may be specified by regulation to conduct inspection for registration of producers and dealers.

Constitution
of Seed
Certification
Agency.

Constitution
of Central
Seed Testing
Laboratories.

Appointment
of Seed
Inspectors.

Export and
Import of Silk-
worm Seed.

Statement by
silk-worm
seed producers.

Amendment
of section 13.

8G. (1) The Committee may, by order, establish the Central Seed Testing Laboratories and accredit the existing laboratories of the Board or the State Governments having such facilities as may be specified by regulations.

(2) The Central Seed Testing Laboratories and the accredited laboratories shall carryout such functions as may be entrusted to it by the Committee from time to time.

(3) The Committee may, by order, appoint such person as it thinks fit or notify the officials or employees of the accredited laboratories having such qualifications as may be specified by regulations to be the Seed Analyst in the Seed Testing Laboratories and define the local limits of their jurisdiction.

8H. (1) The Committee may, by order, appoint such person as it thinks fit, or notify an employee of the Board having such qualifications as may be specified by regulations to be the Seed Inspectors and define the local limits of their jurisdiction.

(2) Every Seed Inspector shall be under the administrative Control of the Committee and shall be responsible for inspecting the seeds and the facilities available with the seed producers and dealers before or after their registration to ensure adherence to the standards and conditions laid down in this regard.

(3) The Seed Inspector may—

(a) take samples of any silk-worm seed of any kind or variety from—

(i) any producer or dealer; or

(ii) any person who is in the course of conveying such seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such seed to him;

(b) exercise such other powers as may be specified by regulations.

8-I. (1) The Committee shall advise the Central Government from time to time on the export and import of silk-worm seed and the Central Government may, by notification, specify the terms and conditions including exem policy for export and import of silk-worm seed.

(2) All import of silk-worm seed shall conform to the quality standards specified under sub-section (2) of section 8C.

(3) For the purpose of ensuring compliance with the conditions and quality standards for governing such import, the Central Government may, by order, authorise officers of the level of Assistant Commissioner to exercise the powers of inspection at the borders and ports, and such officers shall be deemed to be the Seed Inspectors for the purposes of this Act.

(4) The Central Government may, by notification, permit for research purposes, import of an unregistered variety of silk-worm seed in such quantity and subject to such conditions as may be specified.

(5) The Central Government may, by notification, restrict the export or import of silk-worm seed of any kind or variety if it considers that it may adversely affect the silk industry or on such other grounds, as it may consider necessary.

8J. Every registered silk-worm seed producer and dealer shall furnish periodic statement to the Committee in such form, manner and at such intervals as may be specified by regulations.”.

10. In section 13 of the principal Act,—

(i) in sub-section (2),—

(a) after clause (xv), the following clauses shall be inserted, namely:—

“(xva) specifying the allowances or fees of the persons associated by the Committee under sub-section (2) of section 8A;

(xvb) matters incidental to the production, supply, distribution, trade and commerce in silk-worm seed under clause (x) of sub-section (2) of section 8B;

(xvc) manner of registration of a producer or dealer by the Registration Committee under sub-section (1) and form for making application and fees to be paid under sub-section (4) of section 8E;”;

(b) for clause (xix), the following clause shall be substituted, namely :—

“(xix) the manner of grading, marketing, developing and distributing raw silk and products of silk industry;”;

(ii) sub-section (3) shall be omitted.

11. After section 13 of the principal Act, the following sections shall be inserted, namely :—

13A. (1) The Committee may, in consultation with the Board, and with the previous approval of the Central Government, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(i) procedure in regard to transaction of business at the meeting of the Committee under clause (a) of sub-section (6) of section 8A;

(ii) laying down of various standards relating to kinds or varieties, production, testing, supply, distribution, trade and commerce and export and import of silk-worm seed under sub-section (2) of section 8B;

(iii) to specify the criteria for establishing Central Silk-worm Seed Certification Agencies under section 8F, criteria and jurisdiction of Central Seed Testing Laboratories and qualifications of Seed Analysts under sub-sections (1) and (3) of section 8G and qualifications of Seed Inspectors and their other powers under sub-section (1) and clause (b) of sub-section (3) of section 8H;

(iv) the form, manner and intervals at which statement by producer and dealer may be furnished under section 8J.

13B. Every rule, regulation and notification made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification or both Houses agree that the rule or regulation or notification should not be made, the rule or regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.”.

12. In section 14 of the principal Act, in sub-section (1), in clause (b), after the word “Board”, the words “Committee and Registration Committee” shall be inserted.

13. After section 14 of the principal Act, the following section shall be inserted, namely:—

Insertion of new sections 13A and 13B.

Power to make regulations.

Laying of rules, regulations and notifications.

Amendment of section 14.

Insertion of new section 14A.

Penalty for contravention of sections 8C and 8E.

“14A. If any person contravenes the provisions of sections 8C and 8E of this Act or regulations made thereunder or any notification relating to silk-worm seed he shall be punishable with a fine of five thousand rupees which may extend to twenty-five thousand rupees besides suspension or cancellation of the registration to produce silk-worm seeds.”.

Omission of sections 15 and 15A.

14. Section 15 and section 15A of the principal Act shall be omitted.

Insertion of new section 16A.

15. After section 16 of the principal Act, the following section shall be inserted, namely:—

Effect of Act and rules, etc., inconsistent with other enactments.

“16A. The provisions of this Act or any rule or regulation made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.”.

STATEMENT OF OBJECTS AND REASONS

The Central Silk Board Act was enacted in 1948 to provide for development under Central control of the silk industry and for that purpose to establish a Central Silk Board. The said Act made provisions for those aspects, which were visualized at the time of its enactment. In the present context, the said Act requires a re-look into the provisions to give legal backing to those aspects which were left unattended.

2. In this background, the sericulture has traditionally been carried out under a regulated trade regime with restrictions on imports, exports and movement of goods between States. In recent years, globalization has exposed the industry to several risk factors and has necessitated changed responses. Among these, the most urgent is the need to regulate production, supply, distribution, trade and commerce in silk-worm seeds.

3. The basic aim and objective of the proposed legislation are as under:

- (i) ensure quality standards for production of silk-worm seed;
- (ii) restrict production of seeds of only authorised races;
- (iii) control on unauthorised production and trade; and
- (iv) control and prevention of entry of untried and un-tested hybrids from other countries likely to be carrying disease and other unknown risks.

4. With this in view, it is proposed to amend the Central Silk Board Act, 1948 (the CSB Act) by making provisions for creation of regulatory mechanism with respect to silk-worm seed, that will comprise of—

- (a) creation of Silk-worm Seed Committee under the Central Silk Board making them responsible for standard and other related matters;
- (b) constitution of Seed Testing Laboratories and Agencies for testing, certifying and inspection of such seeds;
- (c) vesting custom officers with the powers of inspection with respect to export and imports and making non-adherence to such standards a punishable act; and
- (d) making provision to give effect to the CSB Act and rules, notwithstanding anything inconsistent contained in other enactments.

4. The Bill Seeks to achieve the above objectives.

SHANKERSINH VAGHELA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 13 of the Central Silk Board Act, 1948 empowers the Central Government to make rules for carrying out the purposes of the Act. Clause 10 of the Bill proposes to amend section 13 of the said Act. By insertion of clauses (xva), (xvb) and (xvc) and to substitute existing clause (xix) which empowers the Central Government to make rules relating to— specifying the allowances or fees of the persons associated by the Committee (xva); matters incidental to the production, supply, distribution, trade and commerce in silk-worm seed (xvb); manner of registration of a producer or dealer by the Registration Committee and the form for making application and the fees to be paid (xvc); and the manner of breeding, marketing, developing and distributing raw silk and products of silk industry (xix).

2. Clause 11 of the Bill provides for insertion of new section 13A, which empowers the Central Silk-worm Seed Committee to make regulations, in consultation with the Board and with the previous approval of the Central Government, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of the Bill. The matters in respect of which the Committee may make regulations relate to the procedure in regard to transaction of business at the meeting of the Committee; laying down of various standards relating to kinds or varieties, production, testing, supply, distribution, trade and commerce and export and import of silk-worm seed; to specify the criteria for establishing Central Silk-worm Seed Certification Agencies, criteria and jurisdiction of Central Seed Testing Laboratories; qualifications for the Seed Analysts and Seed Inspectors and the form, manner and intervals at which statements by producer and dealer may be furnished.

3. All rules and regulations made under the Bill shall be required to be laid before each House of Parliament.

4. The matters in respect of which rules and regulations may be made are matters of procedure and administrative detail, and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

YOGENDRA NARAIN,
Secretary-General.